

Message Text

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PAGE 01 BONN 17311 301909Z

62

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 EB-11 FAA-00 DRC-01 /145 W

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R 301859Z NOV 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9014

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMCONSUL MONTREAL

USMISSION BERLIN

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

C O N F I D E N T I A L BONN 17311

E.O. 11652: GDS

TAGS: ETRN, PFOR, GW, GE, WB, UK, FR, US, UN

SUBJECT: ALLIED DISCLAIMER ON GDR ADMISSION TO ICAO

REF: A) STATE 37323; B) BERLIN 350; C) BONN 2812

1. AT NOVEMBER 29 TRIPARTITE MEETING THE UK REP (CROMARTIE) SAID HIS EMBASSY HAD RECEIVED A REPORT FROM UK DEL TO ICAO IN MONTREAL THAT THE GDR NOW PLANNING TO JOIN ICAO UNDER ARTICLE 92 OF CHICAGO CONVENTION EARLY NEXT YEAR. CROMARTIE SAID FCO BELIEVED ALLIES SHOULD REOPEN CONSIDERATION OF DISCLAIMER WHICH WOULD BE MADE UPON ACCESSION OF GDR TO CHICAGO CONVENTION TO ENSURE THEIR RIGHTS AND RESPONSIBILITIES WITH REGARD TO BERLIN WERE ADEQUATELY PROTECTED, PARTICULARLY WITH REGARD TO ARTICLES 1 AND 82 OF THE CONVENTION. THE UK REP SAID PRELIMINARY BRITISH VIEW WAS THAT DISCLAIMER SHOULD REFER TO QD AND WELCOME GDR ACCESSION TO ICAO BUT MAKE NO MENTION OF "BERLIN AND GERMANY AS A WHOLE" OR OF
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PAGE 02 BONN 17311 301909Z

THE AIR CORRIDORS. CROMARTIE NOTED THAT IN VIEW OF THE

ABOVE AND INASMUCH AS EARLIER ALLIED ICAO DISCLAIMER (REFTELS) HAD BEEN PREPARED TO MEET POSSIBLE GDR APPLICATION UNDER ARTICLE 93, NEW DRAFTING EXERCISE SEEMED TO BE IN ORDER.

2. RECALLING DEPARTMENT'S LAST MESSAGE ON THE SUBJECT (REF A), US REP SAID HE BELIEVED EARLIER DRAFT COULD, WITH APPROPRIATE ALTERATIONS, SERVE AS ALLIED DISCLAIMER. THE FRENCH REP (BELLESCIZE) AGREED, ADDING HE BELIEVED AN APPROVED ALLIED NOTE SHOULD BE READY FOR CIRCULATION IMMEDIATELY FOLLOWING RECEIPT OF GDR ACCESSION DOCUMENTS BY USG. IT WAS AGREED TO REPORT THE DISCUSSION TO CAPITALS FOR VIEWS PRIOR TO TAKING UP THE MATTER WITH FONOFF REPS IN THE BONN GROUP.

3. COMMENT. THERE SEEMS TO BE GENERAL AGREEMENT THAT A DISCLAIMER IS NEEDED. AS NOTED ABOVE, WE CONTINUE TO BELIEVE EARLIER DRAFT STILL ACCEPTABLE AND BELIEVE, AS DO FRENCH, THAT MENTION OF AIR CORRIDORS SHOULD REMAIN IN THAT DRAFT. WE ALSO AGREE WITH THE FRENCH THAT THE DISCLAIMER NOTE COULD BEST BE CIRCULATED (BY USG AS DEPOSITORY) IMMEDIATELY AFTER GDR ACCESSION TO CHICAGO CONVENTION.
HILLENBRAND

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30 JUN 2005

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